

SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO Criminal Department, Central Division		
TITLE OF CASE: THE PEOPLE OF THE STATE OF CALIFORNIA V. MARCUS DELON WESSON		
TRIAL BY JURY IN THE GUILT PHASE OF A CAPITAL CASE– 76TH DAY		Case Number: F04901785-6
Judge/Temporary Judge: R. L. Putnam Court Clerk: W. Anderson/ B. Graves Reporter/Tape: K. Garcia, D. Dedmon Bailiff: H. Franco, P. Bellefeuille, R. Heckman		Date: June 1, 2005
		Department: 53 Time: 9:00 a.m.

Plaintiff: THE PEOPLE OF THE STATE OF CALIFORNIA	<input type="checkbox"/> Appearing	Counsel: Lisa Gamoian, Chief Deputy District Attorney	<input checked="" type="checkbox"/> Appearing
Defendant: Marcus Delon Wesson	<input checked="" type="checkbox"/> Appearing	Counsel: Peter Jones, Chief Deputy Defender Rafael Torres, Deputy Public Defender	<input type="checkbox"/> Pro Per <input checked="" type="checkbox"/> Appearing <input type="checkbox"/> Pro Per

Pursuant to adjournment of May 31, 2005, Court reconvenes at 9:00 a.m. The People represented by Lisa Gamoian, Chief Deputy District Attorney, and the defendant, Marcus Delon Wesson, with counsel, Peter Jones, Chief Public Defender and Rafael Torres, Deputy Public Defender are present. All parties state that they are ready to proceed. The jury panel is not present.

Court Reporter, Kristi Garcia is present at 9:00 a.m.

Outside the presence of the jury, "In chambers" conference is held with Lisa Gamoian, Chief Deputy District Attorney, on behalf of the People. Rafael Torres, Deputy Public Defender and Peter Jones, Chief Deputy Public Defender are present on behalf of Marcus Delon Wesson who is present with the aid of an electronic listening device.

The Court orders the transcript sealed pursuant to Rule of Court Section 243.1, Subdivision (d) as follows:

In this case the defendant is charged with nine (9) murders and multiple counts of rape and child abuse. There has been significant public interest and media coverage on an international scale.

Because of the seriousness of the charges in this matter, security issues related to the trial, concerns about securing a fair and impartial jury, and in order to provide a fair trial to the parties hereto: The Court finds as follows:

- (1) There is an overriding interest that overcomes the right of public access to the records being sealed;
- (2) These interests support sealing the records;
- (3) That a substantial probability exists that the overriding interest will be prejudiced if the record is not sealed;
- (4) The sealing is narrowly tailored;
- (5) No less restrictive means exist to achieve the overriding interest.

Media request for camera's at the time of the verdict is denied by the Court.

Court reconvenes at 9:32 a.m. in the courtroom with all parties present and the jury in their seats.

Defendant is arraigned as to the amendment of the Second Amended Information, by entering a "not guilty" plea on all counts and denies all allegations.

DEFENSE EXHIBIT -DDDD-47, (COMPACT DISC, "WESSON'S POWER POINT") IS MARKED FOR IDENTIFICATION.

The Court instructs the jury on the law applicable in this case beginning at 9:35 a.m., and concludes with the first phase of instructions at 10:40 a.m.

Court admonishes the jury and stands in recess at 10:40 a.m. until 11:00 a.m. Outside the presence of the jury, Court clarify's an amendment made on the jury instruction with counsel.

Court stands in recess at 10:41 a.m.

Denise Dedmon, replaces Court Reporter Kristi Garcia at 10:41 a.m.

Court reconvenes at 11:00 a.m. with all parties present, outside the presence of the jury, Court instructs the media to turn off all lap top computers with the exception of Monte Frances, Channel 24, during the argument of counsel.

The jury is brought into the courtroom at 11:02 a.m. and the trial proceeds.

Lisa Gamoian, Chief Deputy District Attorney, argues the cause to the jury on behalf of the People beginning at 11:03 a.m.

Court admonishes the jury and recesses for the noon lunch break at 12:00 p.m. until 1:30 p.m.

Kristi Garcia, replaces Court Reporter Denise Dedmon at 1:30 p.m.

Court reconvenes at 1:30 p.m. with all parties present and the jury in their seats.

Lisa Gamoian, Chief Deputy District Attorney, resumes her opening argument to the jury on behalf of the people beginning at 1:31 p.m.

Court admonishes the jury and recesses at 2:30 p.m.

Denise Dedmon, replaces Court Reporter Kristi Garcia at 2:40 p.m.

Court reconvenes at 2:41 p.m. with all parties present and the jury in their seats.

Lisa Gamoian, Chief Deputy District Attorney, continues with her opening argument to the jury on behalf of the people beginning at 2:43 p.m. and concludes at 2:45 p.m.

Court admonishes the jury and recesses at 2:45 p.m. until 3:00 p.m.

Court reconvenes at 3:02 p.m. with all parties present and the jury in their seats.

Ralph Torres, Deputy Public Defender, argues the cause to the jury on behalf of the defendant, Marcus Delon Wesson at 3:03 p.m.

Court admonishes the jury and recesses at 3:50 p.m.

Kristi Garcia, replaces Court Reporter Denise Dedmon at 4:00 p.m.

Court reconvenes at 4:02 p.m. with all parties present and the jury in their seats.

Ralph Torres, Deputy Public Defender, continues with the closing argument on behalf of the defendant, Marcus Delon Wesson at 4:03 p.m.

Court admonishes the jury and adjourns court at 4:40 p.m. until 6/2/05 at 9:00 a.m.

The defendant remains remanded to the custody of the Sheriff pending the next hearing date.

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